

AMENDED IN ASSEMBLY APRIL 16, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1656

Introduced by Assembly Member Goldberg

February 23, 2001

~~An act to amend Section 21701 of the Business and Professions Code, relating to self-service storage facilities. An act to amend Sections 21701 and 21701.1 of the Business and Professions Code, and to amend Section 5109 of, and to add Section 5139.5 to, the Public Utilities Code, relating to household goods.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1656, as amended, Goldberg. Self-service storage facilities: *household goods.*

(1) Existing law, the California Self Service Storage Facility Act, defines “self-service storage facility” for the purposes of that act.

~~This bill would delete a provision that excluded a warehouse from the definition of a self-service storage facility.~~

This bill would provide that a self-service storage facility is a public utility under the Public Utilities Code.

(2) Existing law provides that the transportation of individual storage containers to and from a self-service storage facility by the owner or operator of a self-service storage facility or a household goods carrier that he or she owns or operates is not subject to regulation by the Public Utilities Commission under the Household Goods Carriers Act.

This bill would instead provide that this activity is, with specified exceptions, subject to regulation by the Public Utilities Commission.

(3) Existing law defines household goods carrier for purposes of regulation by the Public Utilities Commission. Existing law authorizes the commission to establish rules for household goods carriers.

This bill would expand the definition of household goods carrier to include used household goods in containers. The bill would require the commission to adopt necessary regulations to protect consumer interests and to promote the efficient movement of used household goods in containers to and from storage facilities.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21701 of the Business and Professions
2 Code is amended to read:

3 21701. For the purposes of this chapter, the following terms
4 shall have the following meanings:

5 (a) “Self-service storage facility” means real property
6 designed and used for the purpose of renting or leasing individual
7 storage space to occupants who are to have access to the space for
8 the purpose of storing and removing personal property or for
9 storing individual storage containers provided to occupants who
10 have exclusive use of the container for the purpose of storing and
11 removing personal property, whether or not the individual storage
12 containers are transported pursuant to Section 21701.1.
13 Self-service storage facility does not include a garage or other
14 storage area in a private residence. No occupant may use a
15 self-service storage facility for residential purposes. A self-service
16 storage facility is ~~not~~ *deemed to be* a public utility, as defined in
17 Section 216 of the Public Utilities Code. If an owner issues a
18 warehouse receipt, bill of lading, or other document of title for the
19 personal property stored, the owner and the occupant are subject
20 to the provisions of Division 7 (commencing with Section 7101)
21 of the Commercial Code, and the provisions of this chapter do not
22 apply.

23 (b) “Owner” means the owner, operator, lessor, or sublessor of
24 a self-service storage facility, his or her agent, or any other person
25 authorized by him or her to manage the facility, or to receive rent
26 from an occupant under a rental agreement, and no real estate
27 license is required.



(c) “Occupant” means a person, or his or her sublessee, successor, or assign, who is entitled to the use of the storage space at a self-service storage facility under a rental agreement, to the exclusion of others.

(d) “Rental agreement” means any written agreement or lease that establishes or modifies the terms, conditions, rules, or any other provision concerning the use and occupancy of a self-service storage facility.

(e) “Personal property” means movable property not affixed to land, and includes, but is not limited to, goods, merchandise, furniture, and household items.

(f) “Last known address” means that address provided by the occupant in the latest rental agreement, or the address provided by the occupant in a subsequent written notice of a change of address.

SEC. 2. *Section 21701.1 of the Business and Professions Code is amended to read:*

21701.1. (a) The owner or operator of a self-service storage facility or a household goods carrier, may, for a fee, transport individual storage containers to and from a self-service storage facility that he or she owns or operates. This transportation activity, ~~whether performed by an owner, operator, or carrier, shall not be deemed transportation for compensation or hire as a business of used household goods and is not~~ *shall be* subject to regulation under Chapter 7 (commencing with Section 5101) of Division 2 of the Public Utilities Code, ~~provided that all of the following requirements are met unless proof of compliance with the following or any other requirements established by the Public Utilities Commission is provided to the satisfaction of the Public Utilities Commission:~~

(1) The fee charged (A) to deliver an empty individual storage container to a customer and to transport the loaded container to a self-service storage facility or (B) to return a loaded individual storage container from a self-service storage facility to the customer does not exceed one hundred dollars (\$100) *or a dollar amount set by the Public Utilities Commission.*

(2) The owner, operator, or carrier, or any affiliate of the owner, operator, or carrier, does not load, pack, or otherwise handle the contents of the container.

(3) The owner, operator, or carrier is registered under Chapter 2 (commencing with Section 34620) of Division 14.85 of the

1 Vehicle Code or holds a permit under Chapter 7 (commencing with
2 Section 5101) of Division 2 of the Public Utilities Code.

3 (4) The owner, operator, or carrier has procured and
4 maintained cargo insurance in the amount of at least twenty
5 thousand dollars (\$20,000) per shipment. Proof of cargo insurance
6 coverage shall be maintained on file and presented to the
7 Department of Motor Vehicles or Public Utilities Commission
8 ~~upon written request.~~

9 (5) The owner, operator, or carrier shall disclose to the
10 customer in advance the following information regarding the
11 container transfer service offered, in a written document separate
12 from others furnished at the time of disclosure:

13 (A) A detailed description of the transfer service, including a
14 commitment to use its best efforts to place the container in an
15 appropriate location designated by the customer.

16 (B) The dimensions and construction of the individual storage
17 containers used.

18 (C) The unit charge, if any, for the container transfer service
19 that is in addition to the storage charge or any other fees under the
20 rental agreement.

21 (D) The availability of delivery or pickup by the customer of
22 his or her goods at the self-service storage facility.

23 (E) The maximum allowable distance, measured from the
24 self-service storage facility, for the initial pickup and final delivery
25 of the loaded container.

26 (F) The precise terms of the company's right to move a
27 container from the initial storage location at its own discretion and
28 a statement that the customer will not be required to pay additional
29 charges with respect to that transfer.

30 (G) Conspicuous disclosure in bold text of the allocation of
31 responsibility for the risk of loss or damage to the customer's
32 goods, including any disclaimer of the company's liability, and the
33 procedure for presenting any claim regarding loss or damage to the
34 company.

35 The disclosure of terms and conditions required by this
36 subdivision, and the rental agreement, shall be received by the
37 customer a minimum of 72 hours prior to delivery of the empty
38 individual storage container; however, the customer may, in
39 writing, knowingly and voluntarily waive that receipt. The
40 company shall record in writing, and retain for a period of at least

1 six months after the end of the rental, the time and method of
2 delivery of the information, any waiver made by the customer, and
3 the times and dates of initial pickup and redelivery of the
4 containerized goods.

5 (6) No later than the time the empty individual storage
6 container is delivered to the customer, the company shall provide
7 the customer with an informational brochure containing the
8 following information about loading the container:

9 (A) Packing and loading tips to minimize damage in transit.

10 (B) A suggestion that the customer make an inventory of the
11 items as they are loaded and keep any other record (for example,
12 photographs or videotape) that may assist in any subsequent
13 claims processing.

14 (C) A list of items that are impermissible to pack in the
15 container (for example, flammable items).

16 (D) A list of items that are not recommended to be packed in
17 light of foreseeable hazards inherent in the company's handling of
18 the containers and in light of any limitation of liability contained
19 in the rental agreement.

20 (b) Pickup and delivery of the individual storage containers
21 shall be on a date agreed upon between the customer and the
22 company. If the company requires the customer to be physically
23 present at the time of pickup, the company shall in fact be at the
24 customer's premises prepared to perform the service not more than
25 four hours later than the scheduled time agreed to by the customer
26 and company, and in the event of a preventable breach of that
27 obligation by the company, the customer shall be entitled to
28 receive a penalty of fifty dollars (\$50) *or other penalty as*
29 *determined by the Public Utilities Commission* from the company
30 and to elect rescission of the rental agreement without liability.

31 (c) No charge shall be assessed with respect to any movement
32 of the container between self-service storage facilities by the
33 company at its own discretion, nor for the delivery of a container
34 to a customer's premises if the customer advises the company, at
35 least 24 hours before the agreed time of container dropoff, orally
36 or in writing, that he or she is rescinding the request for service.

37 (d) For purposes of this chapter, "individual storage
38 container" means a container that meets all of the following
39 requirements:

40 (1) It shall be fully enclosed and locked.

1 (2) It contains not less than 100 and not more than 1,100 cubic
2 feet.

3 (3) It is constructed out of a durable material appropriate for
4 repeated use. A box constructed out of cardboard or a similar
5 material shall not constitute an individual storage container for
6 purposes of this section.

7 (e) Nothing in this section shall be construed to limit the
8 authority of the Public Utilities Commission to investigate and
9 commence an appropriate enforcement action pursuant to Chapter
10 7 (commencing with Section 5101) of Division 2 of the Public
11 Utilities Code against any person transporting household goods in
12 individual storage containers in a manner other than that described
13 in this section.

14 *SEC. 3. Section 5109 of the Public Utilities Code is amended*
15 *to read:*

16 5109. "Household goods carrier" includes every corporation
17 or person, their lessees, trustee, receivers or trustees appointed by
18 any court whatsoever, engaged in the transportation for
19 compensation or hire as a business by means of a motor vehicle or
20 motor vehicles being used in the transportation of used household
21 goods, *used household goods in containers*, and personal effects
22 over any public highway in this state.

23 *SEC. 4. Section 5139.5 is added to the Public Utilities Code,*
24 *to read:*

25 5139.5. *The commission shall adopt the necessary*
26 *regulations to promote the efficient movement of used household*
27 *goods in containers to and from storage facilities necessary to*
28 *protect consumer interests.*

